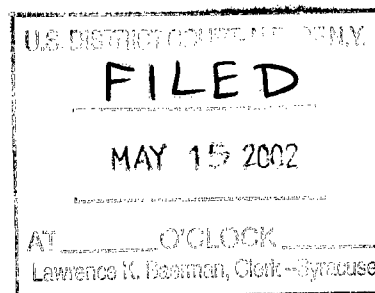


(20)
1P



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LARRY LYLE LASKO, #99-B-0468,

Plaintiff,

-against-

CHRIST MELLAS, Deputy Superintendent of Programs,
Ogdensburg Correctional Facility; DOUG LUMB,
Vocational Supervisor, Ogdensburg Correctional Facility;
ROBERT PIRIE, Senior Counselor, Ogdensburg
Correctional Facility; MARK CHALOM, Facility's Medical
Doctor, Ogdensburg Correctional Facility; MARRY ANN
LANDRY, Nurse Administrator, Ogdensburg Correctional
Facility,

Defendants.

**NOTICE OF
MOTION**

9: 00-CV-1967

(LEK)(DEP)

U.S. DISTRICT COURT
N.D. N.Y.
RECEIVED
MAY 15 2002

LAWRENCE K. BAUMAN, CLERK
ALBANY

PLEASE TAKE NOTICE that upon the following documents: the accompanying affidavit of Christ Mellas, sworn to on April 19, 2002, with the exhibits annexed thereto; the accompanying affidavit of Robert Pirie, sworn to on April 23, 2002, with the exhibits annexed thereto; the accompanying affidavit of Maryann Landry, R.N., sworn to on April 19, 2002, with the exhibits annexed thereto; the accompanying affidavit of Mark Chalom, M.D., sworn to on April 19, 2002, with the exhibit annexed thereto; the accompanying affidavit of Sara Kurz, sworn to on April 19, 2002, with the exhibits annexed thereto; the accompanying affirmation of Lisa Ullman, dated April 23, 2002, with the exhibits annexed thereto; the accompanying Defendants' Statement of Material

Facts, made pursuant to Rule 7.1(a)(3) of the Local Rules of the Northern District of New York and dated May 15, 2002; the accompanying Memorandum of Law dated April 15, 2002; and upon the pleadings and all prior papers by and between the parties of this action, the defendants shall move for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting the defendants summary judgment in this action, together with such other and further relief as the Court may deem just and proper, on June 26, 2002, as a submission before the Honorable David E. Peebles, United States Magistrate Judge, c/o Honorable Lawrence K. Baerman, Clerk, United States District Court, Northern District of New York, Federal Building, 100 South Clinton Street, Syracuse, NY 13261.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 56(e) of the Federal Rules of Civil Procedure, if you do not respond in opposition to the defendants' motion, summary judgment, if appropriate, will be entered against you. If partial summary judgment is granted against you, the portions of your case as to which summary judgment was granted will be dismissed; there will be no trial as to these portions of your complaint. If summary judgment is granted as to your entire complaint, your case will be dismissed and there will not be any trial concerning any of the aspects asserted in your complaint.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 56(e) of the Federal Rules of Civil Procedure, you may not rest upon your complaint or upon the mere allegations or denials of the defendants' pleading. Your response, by affidavits or as otherwise provided in by Rule 56(e) of the Federal Rules of Civil Procedure must set forth specific facts showing that there is a genuine issue for trial.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7.1 of the Local Rules of the Northern District of New York, you are required to submit one or more affidavits in opposition

to the defendants' motion. The factual assertions made in the affidavits submitted in support of the defendants' motion for summary judgment will be taken as true by the District Court unless you contradict these assertions in affidavit form.

PLEASE TAKE FURTHER NOTICE that in opposition to the defendants' motion, pursuant to Local Rule 7.1 of the Local Rules of the Northern District of New York, you are required to submit a memorandum of law, containing relevant factual and legal argument.

PLEASE TAKE FURTHER NOTICE that in opposition to the defendants' motion, pursuant to Local Rule 7.1 of the Local Rules of the Northern District of New York, you are required to submit a short and concise statement of material facts as to which you claim there are genuine issues in dispute. If you do not submit the statement of material facts, all material facts set forth in the statement filed and served by the defendants shall be deemed admitted.

PLEASE ALSO NOTE, pursuant to Local Rule 7.1 (b) (2) of the Local Rules of the Northern District of New York, your papers in opposition to the defendants' motion must be filed with the Court and served on counsel for defendants not less than fourteen calendar days prior to the return date of the motion.

Dated: Albany, New York
May 15, 2002

ELIOT SPITZER
Attorney General of the State of New York
Attorney for Defendants
Office of the Attorney General
The Capitol
Albany, New York 12224

By:



LISA ULLMAN
Assistant Attorney General
Bar Roll No. 508090
Telephone: (518) 486-4155

TO: LARRY LYLE LASKO
Plaintiff Pro Se
991 Smith Creek Road
Nichols, NY 13812

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF ALBANY)

KIM B. PEACOCK, being duly sworn, deposes and says:

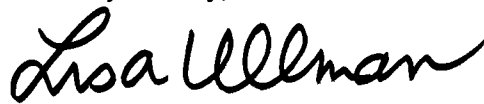
I am over eighteen years of age and an employee in the offices of Eliot Spitzer, Attorney General of the State of New York, attorney for respondents, herein.

On May 15, 2002, I served the annexed **Notice of Motion, Affidavit of Christ Mellas, Affidavit of Robert Pirie, Affidavit of Maryann Landry, R.N., Affidavit of Mark Chalom, M.D., Affidavit of Sara Kurz, Affirmation of Lisa Ullman, Defendants' Statement of Material Facts Pursuant to Local Rule 7.1(a)(3) and Memorandum of Law in Support of Defendants' Motion for Summary Judgment** upon the following individual, by depositing a copy of said document, properly enclosed in a post-paid envelope addressed to the individual below at a United States Post Office Department within the City of Albany, New York:

Larry Lyle Lasko
#99-B-0468
991 Smith Creek Road
Nichols, New York 13812


KIM B. PEACOCK

Sworn to before me this
15th day of May, 2002


Assistant Attorney General